

**THE CHANCERY COURT FOR LEWIS COUNTY
AT HOHENWALD, TENNESSEE**

IN RE:

SENTINEL TRUST COMPANY

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) NO. 4781
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**SENTINEL TRUST RECEIVER'S MOTION FOR APPROVAL
TO "WIPE" ALL INFORMATION, DATA AND OPERATING SYSTEMS
FROM SENTINEL TRUST COMPANY COMPUTER SYSTEM HARDWARE
LOCATED AT HOHENWALD, TENNESSEE OFFICE BUILDING**

I. INTRODUCTION

The Sentinel Trust Receiver ("Receiver"), in conjunction with the sale of the Sentinel Trust Company office building and contents located in Hohenwald, Tennessee ("Hohenwald Building"), plans to have the computer hardware system located at that building purged of all stored information, data and operating systems prior to the closing of the sale. Through this Motion, the Receiver provides notice to all known affected persons of its plans and seeks the Court's approval of those plans.

II. RELEVANT BACKGROUND

In conjunction with the Commissioner-in-Possession taking possession of Sentinel Trust Company on May 18, 2004, the Tennessee Bureau of Investigation Computer Evidence Recovery Unit ("TBI CERU") imaged the hard drives of the Sentinel Trust Company computers located at the Hohenwald Building.¹ The TBI CERU also obtained DVD's and CD's containing the back-up of the servers located at the Hohenwald Building. The images of these computer hard drives and servers were made/obtained on May 18 and May 19, 2004 and have been in the

¹ Images of hard drives of computers located at the Sentinel Trust Company Bellevue, Tennessee office were also made.

custody, possession and control of the TBI CERU since that time. A complete copy of the images made by the TBI CERU is in the Receiver's possession. In late December 2004, various computer equipment was moved from the Hohenwald Building to the Receiver's office. A listing of the equipment moved is attached as **Exhibit A** hereto. Other than the items moved in December 2004, all other items of computer hardware that were at the Hohenwald Building in May 2004, including various hard drives and servers, are still at the Hohenwald Building.

By previous order of this Court, entered April 12, 2006 (copy attached as **Exhibit B**), the Court approved

... the sale of the Hohenwald, Tennessee property, including the contents of the office building and computer hardware ...

Id. at 1 (emphasis added). Danny N. Bates appealed that April 12, 2006 order to the Tennessee Court of Appeals,² which on April 26, 2007 issued its Judgment and Opinion affirming this Court's April 12, 2006 order (copy attached as **Exhibit D**).

In light of the April 26, 2007 Court of Appeals Opinion, the Receiver is moving forward with the sale of the Hohenwald Building and its contents. While an exact closing date has not yet been set, the Receiver needs to move forward and have all of the computer hardware wiped clean and purged of all information, data and operating systems so that the computer hardware will be ready to be transferred at the closing of the sale.

III. DISCUSSION

The Receiver asserts that it is reasonable to have all of the computer information, data and operating systems stored in the computer equipment at the Hohenwald Building purged. The information and data have been imaged upon disks in the possession of the TBI CERU. The

² In conjunction with his appeal, Mr. Bates filed a motion to stay the Court's April 12, 2006 order. On January 22, 2007, the Court entered an order denying Mr. Bates' requested stay (copy attached as **Exhibit C**).

computer equipment at the Hohenwald Building is clearly part of the assets to be sold, and the sale should go forward as part of the orderly liquidation of the Sentinel Trust Company receivership estate. However, the information and data contained in that computer hardware/equipment should not be transferred as part of the sale and, thus, should be wiped/purged prior to the sale. Accordingly, the Receiver requests an order of the Court approving that all information, data and operating systems stored in the computer hardware located at the Hohenwald Building be deleted, wiped or otherwise purged.

IV. NOTICE OF MOTION / DEADLINE FOR RESPONSE

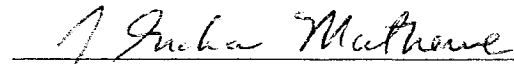
Because the request set forth herein is that computer-stored data be purged and because there are both criminal and civil matters pending against Mr. Bates, the Receiver is giving notice of this Motion not only to the individuals typically listed on the Certificate of Service, but also to those involved in the criminal prosecution/defense of Mr. Bates.

Pursuant to order entered by the Court on August 8, 2006, responses in opposition to this Motion must be filed with the Lewis County Chancery Court Clerk and Master on or before Monday, June 4, 2007. A copy of any response in opposition must be served, on or before that date, to undersigned counsel and mailed to Hon. Jerry Scott, c/o Senior Judge Program, 119 North Maple Street, Murfreesboro, TN 37130. If responses in opposition are filed timely, the matter will come before the Court for hearing at a time set by the Court with notice given to all affected parties. If no responses in opposition are filed by Monday, June 4, 2007, a proposed order granting the Motion will be sent to Judge Scott for consideration and entry.

V. CONCLUSION

Accordingly, the Receiver moves the Court for entry of an order granting the relief requested herein.

Respectfully submitted,

A handwritten signature in cursive script, reading "J. Graham Matherne", is written over a horizontal line.

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CERTIFICATE OF SERVICE

This is to certify that on May 23rd, 2007 a copy of the foregoing Motion has been sent by First Class U.S. Mail, postage paid, and by Federal Express as noted, to:

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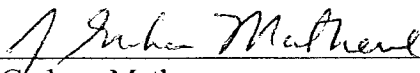
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